

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, SEPTEMBER 4, 1996
7:00 P.M.**

1. ROLL CALL

Present: Council Members - Davenport, Mann, Pennino, Sieglock (arrived at approximately 7:06 p.m.) and Warner (Mayor)

Absent: Council Members - None

Also Present: City Manager Flynn, Interim Deputy City Manager Christofferson, Public Works Director Ronsko, Community Development Director Bartlam, Finance Director McAthie, City Attorney Hays and City Clerk Perrin

2. INVOCATION

The invocation was given by Council Member Pennino.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Warner.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Warner presented a proclamation to President Marjorie Scholl proclaiming the week of September 9 - 15, 1996 as "National Emblem Club Week" in the City of Lodi.
FILE NO. CC-37
 - b) Mayor Warner presented a proclamation to Tony Lum, District Manager with California State Automobile Association, proclaiming the month of September, 1996 as "School's Open - Drive Carefully Month" in the City of Lodi. The public was reminded that school is once again in session, therefore, people need to drive carefully.
FILE NO. CC-37
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5. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Pennino, Mann second, unanimously approved the following items hereinafter set forth:

- a) Claims were approved in the amount of 1,905,006.06.
FILE NO. CC-21(a)
- b) The Minutes of August 21, 1996 (Regular Meeting) were approved as written.
- c) Approved the plans and specifications for bids for water main installation, Turner Road and Laurel Avenue, and Lodi Lake Park and authorized advertising for bids.
FILE NO. CC-12.1(a)
- d) Adopted Resolution No. 96-118 awarding the contract for traffic signal installation, Lower Sacramento Road and Vine Street to Collins Electrical Company, Inc. of Stockton, in the amount of \$99,200 and appropriated funds in accordance with staff recommendation.
FILE NO. CC-12(c) AND CC-300

- e) Adopted Resolution No. 96-119 awarding the contract for rental of safety clothing to the sole bidder, Valley Industrial Service, Sacramento, in the approximate amount of \$12,500 annually.
FILE NO. CC-12(a) AND CC-300
- f) Accepted improvements under the "Cluff Avenue and Ham Lane Street Overlays" contract and directed the City Engineer to file a Notice of Completion with the County Recorder.
FILE NO. CC-90
- g) Adopted Resolution No. 96-120 supporting the project and authorizing the City Manager to execute the Project Agreement PS9706, for the Office of Traffic Safety (OTS) Bicycle and Pedestrian Safety Program Grant.
FILE NO. CC-66, CC-90 AND CC-300
- h) Set a Public Hearing for September 18, 1996 to consider proposed ordinance changes implementing the building permit and wastewater capacity fee incentives as part of the Central City Revitalization Program.
FILE NO. CC-72, CC-44, CC-56, CC-149 AND CC-400
- i) Adopted Resolution No. 96-121 approving adjustment to the Control Point to \$70,393 for City Engineer.
FILE NO. CC-34 AND CC-300
- j) Adopted Resolution No. 96-122 approving the class specification and adjustment to the Control Point to \$69,240 for Human Resources Director.
FILE NO. CC-34 AND CC-300
- k) Adopted Resolution No. 96-123 approving the class specification and adjustment to the Control Point to \$56,244 for Community Center Director.
FILE NO. CC-34 AND CC-300
- l) Adopted Resolution No. 96-124 approving resolution supporting conversion of the former Stockton Developmental Center to the California State University (CSU), Stanislaus Stockton Center.
FILE NO. CC-6 AND CC-300
- m) Received a report for information only that the City Manager has hired a temporary employee to act primarily as the facilitator for merchants and property owners during the construction phase of the Downtown/Cherokee Lane revitalization project.
FILE NO. CC-34, CC-72, CC-300 AND CC-400

6. PUBLIC HEARINGS

None.

7. COMMUNICATIONS (CITY CLERK)

- a) City Clerk Perrin read the following ABC License:
 - 1. Dodie Inc. to Paq Inc., Food 4 Less, 2430 West Kettleman Lane, Lodi, Off-Sale General, Person to Person Transfer
FILE NO. CC-7(f)

8. REGULAR CALENDAR

- a) The City Council, on motion of Council Member Sieglock, Mann second, unanimously directed staff to negotiate an appropriate agreement with DAVE Transportation Services for transit services beginning October 1, 1996, and extending for a period of 2-3/4 years, with the provision that if a satisfactory and advantageous contract cannot be negotiated with DAVE, staff be authorized to undertake negotiations with Laidlaw Transit Services, and further that the issue of leave balances for the contract employees be resolved.

Speaking on the matter were the following persons:

1. Jennie Montoya, 1036 South Central Avenue #3, Lodi, spoke in support of keeping the same GrapeLine drivers at the same salary and benefits. The riders would not like to see the drivers let go by the contractor and then rehired at a lower wage, or not hired at all. They are the finest Lodi has to offer. They have already been tested by Lodi Unified School District and the City. Please consider all of the options before reaching a decision;
2. Lillie White, Lodi, will is 87 and legally blind. She loves all the drivers. They have been good to her, she appreciates them and she wants things to stay as they are;
3. Christina Goehring, 2110 Scarborough Drive, Lodi, would like the drivers, routes and stops to remain the same. The drivers are very nice and helpful;

Council Member Sieglock interjected and asked for an explanation on what will happen to the drivers. Interim Deputy City Manager Christofferson explained that the contractor will retain the drivers and will provide the same or better salaries for the drivers. DAVE is prepared to hold a meeting Thursday evening with the drivers to address issues of concern and will then interview them on Friday.

4. Dave Smith, Assistant Regional Manager with DAVE Transportation Services, Vacaville, assured the Council that it is the goal of the company to continue the operation as it is. It has no right to come in and change everything. They hope to hire all of the current drivers at the current salary and benefits under their existing agreement. DAVE wants to maintain the experts and hopefully together they will improve the system in the future;
5. Marie Orndorf, 814 South Washington Street #C, Lodi, stated the drivers are not just operators, they are professionals. The rider feels secure when getting on the bus. This is the most valuable thing this community has, because of the drivers;
6. Jennifer Wimberly, 101 West Locust Street #306, Lodi, spoke representing all of the GrapeLine and Dial-A-Ride drivers in the transportation division. Over the years, drivers have been led to believe someday they would become City employees, now it's a different story. Dial-A-Ride has been through this before without success. Even though all of the companies who bid appear to be reliable, they have concerns. Ms. Wimberly submitted a petition with 211 signatures in support of keeping the transit system with the City (copy of which is on file in the City Clerk's office);
7. Ronnie Burnett, Dial-A-Ride driver, 917 Amador Avenue, Galt, expressed employee's concerns about what type of benefits employees will receive, what happens to leave balances earned to date, what happens to funds paid into the Public Employees' Retirement System (PERS), and what type of retirement plan does DAVE offer. Also, there are currently drivers who attend classes at Delta College, will DAVE work around schedules so they can continue going to school?

The drivers are also concerned that the contractor may hire the drivers now at the current salaries and later, once it is familiar with Lodi's system, get rid of the drivers and hire other people at a lower wage. The Council was asked to consider the quality of service provided to the citizens of Lodi;

8. Elizabeth Estabilke, 2110 Scarborough Drive, Lodi, also spoke in favor of keeping the current bus drivers. They are wonderful people and she appreciates everything they do for the elderly;
9. Hazel Hadsell, 2110 Scarborough Drive, Lodi, urged the Council to keep the system the same and to keep the drivers;
10. June Orndorf, 814 South Washington Street, Lodi, spoke in favor of keeping the drivers. If the City gets rid of the drivers, she will not ride the system anymore;
11. Jim Rude, representing Laidlaw Transit, Woodland, urged the City Council to consider the proposal submitted by Laidlaw, approximately \$77,000 cheaper than DAVE over the term of the contract. More important is their experience, safety and reliability. Laidlaw would attempt to hire the same employees, recognizing current salary levels and benefits. They have a good track record, sometimes even doubling ridership. Laidlaw just started a new operation in Woodland and addressed these same issues, taking over from another contractor and hiring over 90% of the current drivers;
12. Colleen Dixon, 333 Hilborn, Lodi, questioned what the difference is between (Department of Transportation) DOT requirements required by DAVE and the requirements Lodi's drivers have already met;

Dave Smith with DAVE indicated that DOT requires by law that drivers undergo drug and alcohol testing, which currently done by the City of Lodi.

13. Karen Ives, 310 South Ham Lane #7, Lodi, also spoke in favor of keeping the same drivers at the same salary and benefits;
14. Grace Winter, 1121 South Lloyd Street #27, Lodi, urged Council not to sell out the drivers, who are like family to a lot of riders, and to keep it a City-run operation;
15. Jeanette Sides, 2110 Scarborough Drive, Lodi, urged the City to keep and operate the system, because the drivers are great;

City Manager Flynn reminded the citizens that the City will continue to own and direct the transit system. We are not selling the service.

16. John Brandt, 308 East Locust Street, Lodi, stated his mom relies on the transit system to get to work. The drivers are nice and he would like to see them stay.
17. Andrea Bell, Dial-A-Ride driver, Stockton, indicated that because the City is keeping and maintaining certain portions of the system, yet not keeping the employees, it seems to the drivers that the City is selling the employees.

Again, City Manager Flynn commented that the system will still be owned and operated by the City. The system will have the same drivers, buses, routes and gasoline. The only difference will be that a professional management firm will manage the system in a professional manner. It is important to the City that this be done successfully for the customers and the employees.

Ms. Bell commented that she has been here from the beginning and has worked hard to get the system going. She read about this in the paper before hearing about it from the City. According to the article, the reason the City doesn't want to keep the system, is because it would have to give the employees a \$1.00 an hour raise and more benefits.

The City Council stated that it has been the City's goal from the outset to consider privatizing the transit system. It is not a surprise. Further, the Council made it clear that it will not support a contract that is unfair to the employees and the public. Should the contractor fail to perform satisfactorily, the City can terminate the contract and retain operation of the system.

FILE NO. CC-6, CC-50(b) AND CC-90

9. ORDINANCES

None.

10. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Julio Delcelar, 735 South Mills Avenue, Lodi, and Charlie Selkirk, 2323 Eilers Lane, Lodi, informed the public that Lodi High School celebrates its 100th year anniversary of excellence in education. On October 19 and 20, 1996 it will host a 24 Hour Relay Challenge -- 24 hours free of drugs, alcohol and tobacco. There will be 36 ten-man teams in a continual relay (walking, jogging, running, etc.). In addition to bringing adults and youth together in the community, this is a fundraiser to promote certain drug, alcohol and pregnancy programs. The funds will go into various school and community programs as mini-grants. They are looking for volunteers to work four-hour shifts (i.e. manning the information booth, or selling candy, breakfast, lunch or dinner). There will be games, activities and entertainment. This is the first such event, with the goal to make it an annual occurrence. Participants and volunteers will receive a free T-shirt and meal. There will also be a raffle. Anyone interested should call Terry Scott at Lodi High School.
- b) Virginia Lahr, 311 East Elm Street, Lodi, informed the City Council that there was another gang altercation this evening at Hale Park. Blakely Park used to be worse; however, the gang members have moved from there to Hale Park because of the presence of the Boys and Girls Club on the property. There is a definite need for a satellite at Hale Park. Ms. Lahr expressed another concern about a homeless shelter that was almost created on Elm Street. Ms. Lahr questioned what the policy is if someone wants to open a shelter or group home, because she is adamantly opposed to a shelter in her neighborhood. She is in favor of helping the homeless; however, not when the derelicts infiltrate the residential neighborhoods. Staff will look into the matter.
FILE NO. CC-16 AND CC-27(c)

11. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Council Member Davenport thanked everyone for coming to the meeting and for showing an interest in the privatization of the transit system. He also commented on the following matters: 1) Be ever mindful of gangs. He says it often because he means it sincerely. There have been some problems at Hale Park and there is better supervision at Blakely Park because of the Boys and Girls Club. There will also be some transfer of gangs because of the downtown revitalization. The homeless will transfer to neighborhoods and this problem will just continue. We need to rethink where the shelters are in the City; 2) Still has not received a report from the Public Works Director regarding a critique of the August 10 power

outage and what we should do about it. He did receive reports from other departments on the matter that addressed certain issues including radio training and safety training on emergency generators. Anyone interested in viewing the report can call the City Manager. In situations of emergency such as this power outage, the City should not be dependent on outside agencies for power. We need to run our own power and water supplies from within the City; 3) Complimented the City Manager on his foresight in hiring a Downtown Revitalization Coordinator. Other cities have attempted a revitalization without one, and it has been chaos. The coordinator will deal with downtown merchants, address concerns, and make this transition smooth; 4) Received a letter regarding the number of dogs in the City and that many dog owners are not policing their own dogs; 5) Informed the public that the Mayor will have a State of the City Address on September 13 at the Boys and Girls Club; 6) Received a letter from Cal-West Construction commending the Community Development Department's fast track permit process; 7) Received letter from citizens who felt they were handled fairly and properly by the Electric Utility Department; 8) Asked Public Works Director Ronsko to give a recap regarding the proposed San Joaquin County moratorium on environmental health permits (biosolids). Mr. Ronsko indicated there were a number of farmers concerned about sludge being deposited on their land and what it would do to the value of their property. They asked for and got a moratorium on any depositing of sludge; however, the City dumps sludge on some of our own property. Therefore, we made presentations to the County Board of Supervisors, and are waiting for a decision. We are trying to develop an ordinance to satisfy all of the needs; 9) Asked Public Works Director Ronsko to give an update on Proposition 204 regarding the Delta. Mr. Ronsko suggested the City take a neutral position on this matter, because there aren't many negatives for our treatment facility, but overall it will be a benefit for the Delta; 10) Requested a report regarding SB1307 regarding the public health goal. Mr. Ronsko did not have prepared information with him to deliver a report on the matter; 11) Informed the public that the Lodi Sales Tax report is available for review. During this quarter, Lodi's sales were up by approximately 13%. The report also lists the 25 top sales producers in the City of Lodi; 12) Received report from the Economic Development Coordinator regarding economic incentives. Sacramento Municipal Utility District is offering cuts on electric rates for new businesses coming to the area and also waiving certain sewage rates; and 13) Requested to see the expenses for the past five years for the public safety building air conditioning repairs. FILE NO. CC-6

2. City Attorney Hays informed City Council that discussions and comments on items brought up under "Comments by the Council on Non-Agenda Items" should be agendaized to avoid controversy over the Brown Act.

12. ADJOURNMENT

There being no further business to come before the City Council, Mayor Warner adjourned the meeting at approximately 9:09 p.m.

ATTEST:

Jennifer M. Perrin
City Clerk